

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Joachim BRENDDEL et al. ) Prior Group Art Unit: 1625  
)  
Divisional of ) Prior Examiner: R. Desai  
Application No.: 10/252,385 )  
)  
Filed: Herewith )  
)  
For: 2'-SUBSTITUTED 1, 1'- )  
BIPHENYL-2-CARBOXAMIDES, )  
PROCESSES FOR THEIR )  
PREPARATION, THEIR USE AS )  
MEDICAMENTS, AND )  
PHARMACEUTICAL )  
PREPARATIONS COMPRISING )  
THEM )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Information Disclosure Statement Under 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Office the documents listed on the attached PTO form 1449. This Information Disclosure Statement is being filed together with this divisional application.

Copies of most listed documents were made of record in prior Application No. 10/252,385, filed on September 24, 2002, upon which applicants rely for the benefits provided in 35 U.S.C. § 120. Copies of two other documents are enclosed.

In lieu of a translation of the non-English language Lullman document, applicants previously submitted a search report from the European Patent Office in a corresponding application that cited the document. The search report cited pages 151-153 of the document and identified the document under category "A," meaning that the

document relates to the general state of the art which is not considered to be of particular relevance.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 24, 2003

By: 

Steven J. Scott  
Reg. No. 43,911

# **INFORMATION DISCLOSURE CITATION**

Atty. Docket No.	02481.1687-03000	Appln. No.	Unassigned
Applicant	Joachim BRENDEL et al.		
Filing Date	Herewith	Group:	Unassigned

## **U.S. PATENT DOCUMENTS**

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	5,521,170	May 1996	Setoi et al.			
	6,531,495 B1	March 11, 2003	Brendel et al.			
	US 2003/0171351 A1	Sep. 11, 2003	Brendel et al.			

## **FOREIGN PATENT DOCUMENTS**

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
EP 620 216	10/1994	Europe			
WO 96/25936	08/1996	WIPO Int'l			
WO 98/04521	02/1998	WIPO Int'l			
WO 98/18475	05/1998	WIPO Int'l			
WO 98/18476	05/1998	WIPO Int'l			

## **OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

Volker Brandmeier et al., "Antiparallel $\beta$ -Sheet Conformation in Cyclopeptides Containing a Pseudo-amino Acid with a Biphenyl Moiety," Helvetica Chimica Acta - Vol. 77, pps. 70-85, (1994)
Lüllman H. et al., Pharmakologie und Toxikologie, 1999, Georg Thieme Verlag, Stuttgart XP002159084, pps. 151-153
Caplus AN 2001:608248 English Abstract Chemstar Product list RN # 328284 May 16, 2001

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce